

STATE BUILDING STANDARDS LAW

Health and Safety Code (Sections 18901 to 18949.6)

Housing Division 13.

Part 2.5

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Chapter 1. General Provisions and Definitions

Article 1. Title

Sec. 18900. (Repealed by Stats. 1979, c.1152, p. 4292, Sec. 162.)

Sec. 18901. Short title

- (a) This part shall be known and may be cited as the State Building Standards Law.
- (b) The Building Standards Commission shall continue within the State and Consumer Services Agency.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1991, c. 865 [AB 47], Sec. 18.)

Sec. 18902. State building code; state building standards code; Title 24 of California administrative code; references

All references to the State Building Standards Code, Title 24 of the California Administrative Code shall mean the California Building Standards Code.

(Added by Stats. 1988, c. 1194, Sec. 1.7, operative Jan. 1, 1989. Amended by Stats. 1992, c. 897 [AB 3515], Sec. 1.)

Article 2. Definitions

Sec. 18905. Construction

Unless the context otherwise requires, the definitions contained in this article shall govern the construction of this part.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18905.5. Adopting agency

“Adopting agency” means a state agency responsible for the adoption of building standards.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1988, c. 1194, Sec. 2, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 2.)

Sec. 18906. Adoption or adopt

“Adoption” or “adopt” means, with respect to the procedure for promulgation of a building standard, the final act of a state agency that has the legislative authority and responsibility to take proposed building standards to public hearing.

(Added by Stats. 1979, c. 1152, p. 4294, Sec. 163. Amended by Stats. 1982, c. 507, Sec. 2, eff. July 13, 1982; Stats. 1987, c. 1053, Sec. 1; Stats. 1988, c. 1194, Sec. 3, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 3.)

Sec. 18907. Approval

“Approval” means, with respect to the procedure for promulgation of a building standard, the action of approval by the California Building Standards Commission. Until there is approval of the standard by the commission, it shall be a proposed building standard or regulation.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 2; Stats. 1988, c. 1194, Sec. 4; operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 4.)

Sec. 18908. Building; structure

- (a) “Building” means any structure used for support or shelter of any use or occupancy. “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, except any mobile home as defined in Section 18008, manufactured home, as defined in Section 18007, special purpose commercial coach, as defined in Section 18012.5, and recreational vehicle, as defined in Section 18010.
- (b) “Building” includes a structure wherein things may be grown, made, produced, kept, handled, stored, or disposed of.
- (c) All appendages, accessories, apparatus, appliances, and equipment installed as a part of building or structure shall be deemed to be a part thereof.
- (d) “Building” does not include machinery, equipment, or appliances installed for manufacture or process purposes only, any construction installations which are not a part of a building, or any tunnel, mine shaft, highway, or bridge.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 3.)

Sec. 18909. Building standard.

- (a) “Building standard” means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, which specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.
- (b) Except as provided in subdivision (d), “building standard” includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.
- (c) “Building standard” includes a regulation or rule relating to the implementation or enforcement of a building standard not otherwise governed by statute, but does not include the adoption of

procedural ordinances by a city or other public agency relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

- (d) “Building standard” does not include any safety regulations which any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating, including, but not limited to, warehousing and food processing operations, but not including safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to the building as a part thereof, as determined by the Commission.
- (e) “Building standard” does not include temporary scaffoldings and similar temporary safety devices and procedures, which are used in the erection, demolition, moving, or alteration of buildings.
- (f) “Building standard” does not include any regulation relating to the internal management of a state agency.
- (g) “Building standard” does not include any regulation, rule, order, or standard which pertains to mobile homes, manufactured homes, commercial coaches, special purpose commercial coaches, or recreational vehicles.
- (h) “Building standard” does not include any regulation, rule, or order or standard which pertains to a mobile home park, recreational vehicle park, temporary recreational vehicle park, or travel trailer park, except that “building standard” includes the construction of permanent buildings and plumbing, electrical, and fuel gas equipment and installations within permanent buildings in mobile home parks, recreational vehicle parks, temporary recreational vehicle parks, or travel trailer parks. For purposes of this subdivision, “permanent building” means any permanent structure constructed in the mobile home park, recreational vehicle park, temporary recreational vehicle park, or travel trailer park which is a permanent facility under the control and ownership of the park operator.
- (i) “Building standard” does not include any regulation, rule, order, or standard which pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.
- (j) “Building standard” does not include any regulation adopted by the California Integrated Waste Management Board, the Department of Toxic Substances Control, or the State Water Resources Control Board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal or recycling of the waste.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 817, p. 3146, Sec. 1. Stats. 1984, c. 458, Sec. 1, eff. July 17, 1984; Stats. 1987, c. 1053, Sec. 4; Stats. 1988, c. 1632, Sec. 1; Stats. 1989, c. 952, Sec. 1; Stats. 1992, c. 897 [AB 3515], Sec. 5. Amended by Stats. 1993, c. 663 (AB 54), Sec. 2.)

Sec. 18910. Code

“Code” means the California Building Standards Code, including the triennial editions and supplements.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 5; Stats. 1988, c. 1194, Sec. 5, operative Jan. 1, 1989, Stats. 1992, c. 897 [AB 3515], Sec. 6.)

Sec. 18911. Codification; codify

“Codification” or “codify” means to arrange building standards in the publication format of the code as determined by the Commission.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1979, c. 1152, p. 4325, Sec. 234, operative July 1, 1980; Stats. 1981, c. 865, p. 3322, Sec. 38; Stats. 1981, c. 1003, p. 3876, Sec. 1; Stats. 1987, c. 1053, Sec. 6; Stats. 1988, 1194, Sec. 6, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 7.)

Sec. 18912. Commission

“Commission” means the California Building Standards Commission.

(Added by Stats. 1979, c. 1152, p. 4294, Sec. 163. Amended by Stats. 1992, c. 897 [AB 3515], Sec. 8.)

Sec. 18913. Emergency standard

“Emergency standard” means either of the following:

- (a) A building standard or an order of repeal of a building standard filed for publication in the code by the commission pursuant to Section 11346.1 of the Government Code.
- (b) A building standard adopted by the Occupational Safety and Health Standards Board which is at least as effective as a federal standard promulgated under Section 6 of the federal Occupational Safety and Health Act of 1970 (Public Law 91-596).

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1979, c. 1152, p. 4326, Sec. 235, operative July 1, 1980; Stats. 1981, c. 817, p. 3164, Sec. 2; Stats. 1984, c. 144, Sec. 153; Stats. 1987, c. 1053, Sec. 7; Stats. 1988, c. 1194, Sec. 7 operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 9.)

Sec. 18914. Executive director

“Executive director” means the Executive Director of the California Building Standards Commission.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1984, c. 677, Sec. 2; Stats. 1992, c. 897 [AB 3515], Sec. 10.)

Sec. 18915. Local agency

“Local agency” means a city, county, and city and county, whether general law or chartered, district agency, authority, board, bureau, department, commission, or other governmental entity of less than statewide jurisdiction. Local agency includes any entity of regional jurisdiction. Local agency does not include an agency of the federal government.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18916. Model code

“Model code” means any building code drafted by private organizations or otherwise, and shall include, but not be limited to, the latest edition of the following:

- (a) The Uniform Building Code of the International Conference of Building Officials.
- (b) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.
- (c) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.
- (d) The National Electrical Code of the National Fire Protection Association.
- (e) The Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc.
- (f) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 8; Stats. 1989, c. 1360, Sec. 94; Stats. 1989, c. 952, Sec. 2; Stats. 1991, c. 173 [AB 204], Sec. 2.)

Sec. 18917. Occupancy

“Occupancy” means the purpose for which a building, structure, or other improvement to property, or a part thereof, is used or intended to be used.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18917.2 Propose

“Propose” refers, with respect to the procedure for promulgation of a building standard, to the state agency that has the legislative authority and responsibility to write proposed building standards.

(Added by Stats. 1992, c. 897 [AB 3515], Sec. 10.5.)

Sec. 18917.3. Publication; publish

“Publication” or “publish” means to print and make available to the public the California Building Standards Code or administrative regulations that apply directly to the implementation or enforcement of building standards.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 9; Stats. 1988, c. 1194, Sec. 8, operative Jan. 1, 1989.)

Sec. 18917.5. Secretary

“Secretary” means the Secretary of the State and Consumer Services Agency.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18918. State agency

“State agency” means a state agency as defined in Section 11000 of the Government Code.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 10.)

Sec. 18919. Regulation

“Regulation” means any rule, regulation, ordinance, or order promulgated by a state or local agency, including rules, regulations, or orders relating to occupancy or the use of land. “Regulation” includes building standards.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Chapter 2. Organization

Article 1. The California Building Standards Commission

Sec. 18920. Existence; composition

There is continued in existence in the State and Consumer Services Agency a California Building Standards Commission consisting of the Secretary of State and Consumer Services Agency, and 10 members appointed by the Governor subject to confirmation by the Senate.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 10.5; Stats. 1992, c. 897 [AB 3515], Sec. 12.)

Sec. 18921. Appointed members

- (a) The appointed members of the commission shall be selected from, and represent the public, design professions, the building and construction industry, local government building officials, fire and safety officials, and labor in accordance with the following:
- (b) Four members shall be appointed from among the professions and industries concerned with building construction as follows:
 - (1) An architect.
 - (2) A mechanical or electrical engineer or fire protection engineer.
 - (3) A structural engineer.
 - (4) A licensed contractor.
- (c) Three members shall be appointed from among the general public at least one of whom shall be a physically handicapped person.
- (d) One member shall be appointed from organized labor in the building trades.
- (e) One member shall be appointed who is a local building official.
- (f) One member shall be appointed who is a local fire official.
- (g) At least one member of the commission shall be experienced and knowledgeable in barrier free architecture and aware of, and sensitive to, the requirements necessary to ensure public buildings are accessible to, and usable by, the physically handicapped.
- (h) At least one member of the commission shall be experienced and knowledge able in building energy efficiency standards.

As used in this section, “physically handicapped” means persons who have permanent mobility impairments which affect ambulation due to cerebral palsy, poliomyelitis, spinal cord injury, amputation, and other conditions or diseases which reduce mobility or require the use of crutches, canes, or wheelchairs.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1980, c. 1064, p. 3408, Sec. 1; Stats. 1987, c. 1053, Sec. 11; Stats. 1988, c. 1194, Sec. 8.5, operative Jan. 1, 1989; Stats. 1991, c. 865 [AB 47], Sec. 19.)

Sec. 18922. Chairman and vice chairman

The Secretary of the State and Consumer Services Agency or the secretary's representative shall serve as the chairman of the commission. The commission shall elect a vice chairman annually from among its members.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18923. Term of office

- (a) The term of office of members of the commission shall be four years and they shall hold office until the appointment and qualification of their successors, not to exceed 180 days after such term is expired.
- (b) The terms of members of the commission shall be staggered based on the following cycle:
 - (1) The terms of two members shall expire on January 1, 1981.
 - (2) The terms of three members shall expire on January 1, 1982.
 - (3) The terms of two members shall expire on January 1, 1983.
 - (4) The terms of three members shall expire on January 1, 1984.
- (c) Prior members of the commission may be reappointed.
- (d) In the event of a vacancy prior to the expiration of a term, an appointment shall be made to fill the balance of the unexpired term.

(Added by Stats. 1979, c. 1152, o. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 12.)

Sec. 18924. Compensation; travel expenses

The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid their actual necessary travel expenses.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Article 2. The Executive Director of the State Building Standards Commission

Sec. 18925. Executive director

The commission shall appoint an Executive Director of the California Building Standards Commission, who shall hold office at the pleasure of the commission. The executive director shall

make public the processes of the commission. The executive director shall appoint, in accordance with civil service and other provisions of law, officers and employees necessary to carry out the intent and purposes of this part.

(Added to Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1984, c. 677, Sec. 4; Stats. 1992, c. 897 [AB 3515], Sec. 13.)

Article 3. The Coordinating Council and Advisory Panels

Sec. 18926. Coordinating council; existence; membership; duties

- (a) There is, in the office of the executive director, a coordinating council. The membership of the council shall consist of the executive director, who shall serve as chairperson, and representatives appointed by the State Director of Health Services, the Director of the Office of Statewide Health Planning and Development, the Director of Housing and Community Development, the Director of Industrial Relations, the State Fire Marshal, the Executive Director of the State Energy Resources Conservation and Development Commission, and the Director of General Services.
- (b) Subject to the pleasure of the commission:
 - (1) The council or any member of the council shall, when called and directed in writing by the executive director, work with and assist an agency proposing building standards or adopting building standards, or both, in the development of proposals for building standards.
 - (2) When a state agency contemplates the adoption of any building standard, it shall, prior to commencing any action to prepare a draft of the proposal, advise the executive director, in writing, of that intent and request the executive director to call the council, or any member of the council, as appropriate, for assistance.
 - (3) Whenever the commission returns for amendment, or rejects any proposed building standard, and one of the reasons for that action is that approval of the proposal would create a conflict with existing building standards of other adopting agencies, the executive director shall call the council or any member of the council, as appropriate, to assist in the elimination of the conflict.
 - (4) The council shall draft proposed building standards which the commission is authorized to adopt pursuant to Section 18933 for the consideration of the commission and approval, utilizing the criteria of Section 18930.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats 1981, c. 817, p. 3165, Sec. 3; Stats. 1984, c. 677, Sec. 5; Stats. 1988, c. 1194, Sec. 9, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 14.)

Sec. 18927. Advisory panels; qualifications of persons appointed; compensation

The commission may appoint from the design professions, the building and construction industry, the affected general public, and interested governmental agencies, appropriate advisory panels to advise the commission and its staff with respect to building standards. The persons appointed to the panels shall be specifically knowledgeable and qualified in the type of work embraced by the building

standards in question. These persons shall serve without compensation, but may receive actual necessary travel expenses.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 13; Stats. 1988, c. 1194, Sec. 10, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 15.)

Sec. 18928. Model code, national standard, or specification; adoption of and reference to most recent addition; date of publication; committee

- (a) Each state agency adopting a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.
- (b) Each state agency adopting a model code, national standard, or specification shall adopt the most recent editions of the model codes, as amended by the adopting agency, within one year after the date of publication of the model codes, national standard, or specifications. The “date of publication of a model code, national standard, or specification” is either of the following:
 - (1) The date of publication printed in the model code, national standard, or specification. If only a month and year are shown by the model code, national standard, or specification adopting agency or body, the date of publication shall be considered to be the last day of the month shown.
 - (2) The date determined by the commission, if no publication date is shown in the model code, national standard, or specification. The commission shall notify all adopting agencies of its determination within 15 days.
- (c) If the adopting agencies fail to comply with subdivision (b), the commission shall convene a committee to recommend to the commission the adoption, amendment, or repeal, on the agencies’ behalf, of the most recent editions of the model codes, national standards, or specifications and necessary state standards.

(Added by Stats. 1985, c. 632, Sec. 1. Amended by Stats. 1987, c. 1053, Sec. 14; Stats. 1988, c. 1194, Sec. 10.5, operative Jan. 1, 1989.)

Sec. 18928.1. Building standards; incorporation of model codes, applicable national specifications or published standards; publication agreement

Building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom. The commission may elect to adopt or approve standards which incorporate, in whole or in part, the text of these publications, with changes therein, or deletions therefrom, directly incorporated into the text of the California Building Standards Code, but no textual material contained in any of the model codes, as enumerated in Section 18916, may be included in the California Building Standards Code by means other than incorporation by reference, unless the commission and the governing body of the organization that publishes the model codes first reach a written agreement concerning the terms and conditions of the publication, including, but not limited to, whether the publication will be by the commission or the model code organization, or both. The model code governing body may not withhold any publication agreement on the basis of the substantive provisions contained in the California Building Standards Code.

(Added by Stats. 1992, c. 897 [AB 3515], Sec. 16.)

Sec. 18929. Adoption of administrative regulations applying to implementation or enforcement of building standards; publication; certain Housing and Community Development Department regulations excepted

- (a) Except as otherwise provided in subdivision (b), administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards shall be forwarded to the California Building Standards Commission for approval. Each regulation shall be adopted in compliance with the procedures specified in Section 18930 and in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. These administrative regulations shall be published in the administrative part of the California Building Standards Code.
- (b) This section shall not apply to any regulations adopted by the Department of Housing and Community Development that apply directly to the implementation or enforcement of building standards.

(Added by Stats. 1988, c. 1194, Sec. 11 operative Jan. 1, 1989. Amended by Stats. 1989, c. 952, Sec. 3; Stats. 1989, c. 1144, Sec. 6, effective Sept. 30, 1989; Stats. 1991, c. 865 [AB 47], Sec. 20; Stats. 1992, c. 897 [AB 3515], Sec. 16.5)

Sec. 18929.1. Adoption of regulations for annual code adoption cycle; procedures; contents

- (a) The commission shall receive proposed building standards from state agencies for consideration in an annual code adoption cycle. The commission shall develop regulations setting forth the procedures for the annual adoption cycle. The regulations shall ensure all of the following:
 - (1) Adequate public participation in the development of building standards prior to submittal to the commission for adoption and approval.
 - (2) Adequate notice, in written form, to the public of the compiled building standards and their justification.
 - (3) Adequate technical review of proposed building standards and accompanying justification by advisory bodies appointed by the commission.
 - (4) Adequate time for review of recommendations by advisory bodies prior to action by the commission.
 - (5) The procedures shall meet the intent of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code) and Section 18930.
- (b) Where this section is in conflict with other provisions of this part, the intent of this section shall prevail.
- (c) Repealed.

(Added by Stats. 1988, c. 1194, Sec. 11 operative Jan. 1, 1989. Amended by Stats. 1989, c. 952, Sec. 3; Stats. 1989, c. 1144, Sec. 6, eff. Sept. 30, 1989; Stats. 1991, c. 865 [AB 47], Sec. 20; Stats. 1992, c. 897 [AB 3515], Sec. 17.)

Chapter 3. Powers of the Commission

Sec. 18930. Approval or adoption of building standards; analysis and criteria; review considerations; factual determinations

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11359) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.
- (b) In reviewing building standards submitted for its approval, the commission shall consider only the record of the proceedings of the adopting agency, except as provided in subdivision (b) of Section 11359 of the Government Code.

- (c) Where the commission is the adopting agency, it shall consider the record submitted to, and considered by, the state agency that proposes the building standards and the record of public comment that results from the commission's adoption of proposed regulations.
- (d)
 - (1) The commission shall give great weight to the determinations and analysis of the adopting agency or state agency that proposes the building standards on each of the criteria for approval set forth in subdivision (a). Any factual determinations of the adopting agency or state agency that proposes the building standards shall be considered conclusive by the commission unless the commission specifically finds, and sets forth its reasoning in writing, that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the adopting agency or state agency that proposes the building standards.
 - (2) Whenever the commission makes a finding, as described in this subdivision, it shall return the standard to the adopting agency or state agency that proposes the building standards for a reexamination of its original determination of the disputed fact.
- (e) Whenever a building standard is principally intended to protect the public health and safety, its adoption shall not be a "factual determination" for purposes of subdivision (d). Whenever a building standard is principally intended to conserve energy or other natural resources, the commission shall consider or review the cost to the public or benefit to be derived as a "factual determination" pursuant to subdivision (d). Whenever a building standard promotes fire and panic safety, each agency shall, unless adopted by the State Fire Marshal, submit the building standard to the State Fire Marshal for prior approval.
- (f) Whenever the commission finds, pursuant to paragraph (2) of subdivision (a), that a building standard is adopted by an adopting agency pursuant to statutes requiring adoption of the building standard, the commission shall not consider or review whether the adoption is in the public interest pursuant to paragraph (3) of subdivision (a).

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 1177, p. 4743, Sec. 8; Stats. 1985, c. 209, Sec. 1; Stats. 1985, c. 632, Sec. 2; Stats. 1986, c. 200, Sec. 1; Stats. 1987, c. 1053, Sec. 15; Stats. 1988, c. 1194, Sec. 12, operative Jan. 1, 1989; Stats. 1991, c. 865 [AB 47], Sec. 21; Stats. 1992, c. 897 [AB 3515], Sec. 17.5.)

Sec. 18931. Duties

The commission shall perform the following:

- (a) In accordance with Section 18930 and within 120 days from the date of receipt of adopted standards, review the standards of adopting agencies and approve, return for amendment with recommended changes, or reject building standards submitted to the commission for its approval. When building standards are returned for amendment or rejected, the commission shall inform the adopting agency or state agency that proposes the building standards of the specific reasons for the recommended changes or rejection, citing the criteria required under Section 18930. When standards are not acted upon by the commission within 120 days, the standards shall be approved, including codification and publication in the California Building Standards Code, without further review and without return or rejection by the commission.

- (b) Codify, including publish, all building standards of adopting agencies or state agencies that propose the building standards and statutes defining building standards into one California Building Standards Code.
- (c) Resolve conflict, duplication, and overlap in building standards in the code.
- (d) Ensure consistency in nomenclature and format in the code.
- (e) In accordance with Section 18945, hear appeals resulting from the administration of state building standards.
- (f) Adopt any procedural regulations which it deems necessary to administer this part.
- (g) The commission shall direct the executive director to prepare a comprehensive listing of all state amendments developed for publication in the California State Building Code (Part 2 (commencing with Section 101), Title 24, California Code of Regulations), referencing the 1994 Edition of the Uniform Building Code, as published by the International Conference of Building Officials, for the period beginning January 1, 1995, through December 31, 1995. The listing shall identify the following:
 - (1) Each new state amendment to the 1994 Edition of the Uniform Building Code, as published by the International Conference of Building Officials, and the state agency that adopted the new amendment.
 - (2)
 - (A) The analysis justifying the adoption or proposal of the amendment identified in paragraph (1), submitted pursuant to paragraph (2) of subdivision (a) of Section 18930.
 - (B) The analysis justifying the adoption or proposal of the amendment identified in paragraph (1), submitted pursuant to paragraph (3) of Section 18930.
 - (C) The analysis justifying the adoption or proposal of the amendment identified in paragraph (1), submitted pursuant to paragraph (5) of Section 18930.
 - (D) The analysis justifying the adoption or proposal of the amendment identified in paragraph (1), submitted pursuant to paragraph (7), or to subparagraph (A) or (B) of paragraph (7) of subdivision (a) of Section 18930.
 - (3) Existing state amendments, published in earlier editions of the California State Building Code (Part 2 (commencing with Section 101), Title 24, California Code of Regulations), which are published in the California State Building Code referencing the 1994 Edition of the Uniform Building Code, as published by the International Conference of Building Officials.
 - (4) The California Building Standards Commission's determination as to whether the amendment referred to in paragraph (3) continues to be justified under the criteria set forth in Section 18930. The commission shall use information gathered in the study required by Chapter 1289 of the Statutes of 1990 in making its determination, and may also request information from the state agency that adopted or proposed the amendments.

The commission shall perform this task to the extent feasible, and within the existing budget constraints during the triennial adoption process of the California Building Standards Code, referencing the 1994 Edition of the Uniform Building Code as published by the International Conference of Building Officials. The commission shall be authorized to reduce the scope of the review should fiscal restraints warrant this action. In the event a reduction in the scope of the review is made, the commission shall give priority to those sections of the California State Building Code (Part 2 (commencing with Section 101), Title 24, California Code of Regulations) that directly affect residential construction.

- (5) Upon completion of the comprehensive listing required by this subdivision, the commission shall inform the public and all state agencies with the authority to develop building standards that the listing has been completed, and that copies will be made available upon request.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1988, c. 1194, Sec. 13 operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 18. Amended by Stats. 1994, c. 249. (A.B. 1780), Sec. 1.)

Sec. 18931.5. Review and publication costs; payment of proportionate share

- (a) Each state agency that adopts or proposes building standards shall pay annually to the California Building Standards Commission a proportionate share of the cost of the review and publication of building standards which are published or proposed to be published in the California Building Standards Code.
- (b) The commission shall determine the proportional cost to be paid for review of existing building standards and the amount to be paid for review of building standards, adopted or proposed by a state agency, that have been submitted for publication in the California Building Standards Code.

(Added by Stats. 1981, c. 1082, p. 4173, Sec. 1. Amended by Stats. 1988, c. 1194, Sec. 14 operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 19.)

Sec. 18932. Contents and format of code

- (a) The code shall indicate the agency having responsibility vested by law for the administration of each building standard and the occupancy or occupancies affected by each building standard.
- (b) The code shall include an index and reference guide.
- (c) The commission shall establish the format for the code to conform it as nearly as it deems practicable with the model codes.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 16; Stats. 1988, c. 1194, Sec. 15, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 20.)

Sec. 18933. Amendment or repeal of building standards

- (a) The commission may give affected state agencies reasonable time, as specified by the commission, to adopt amendments to building standards submitted for approval. If the agencies do not do so within the reasonable time as specified, the commission shall convene a committee composed of a representative from each of the agencies affected and any other qualified persons

who are selected by the commission. This committee shall prepare a recommendation for commission action upon the building standards. Upon the recommendation, or if the committee does not prepare a recommendation and deliver it to the commission within 30 days after being appointed, the commission may rewrite, edit, amend, or adopt, and approve the building standards consistent with the intent of this part and in accordance with the Administrative Procedure Act and the criteria for approval provided in Section 18930. It shall not, however, be required that hearings or other administrative procedure be duplicated on unchanged portions of building standards previously adopted and approved by the commission.

(b)

- (1) Pursuant to Section 18943, the commission, after publication of building standards pursuant to Section 18941 in the triennial edition of the code, shall recommend to affected state agencies the repeal of building standards of those state agencies which were adopted, or are, in conflict with other published standards in the code. If the state agencies do not repeal the building standards within a reasonable time as specified by the commission, the commission shall convene a committee composed of a representative of each of the agencies affected and other qualified persons selected by the commission to prepare a recommendation for commission action on the building standards.
- (2) Upon the recommendation, or if the committee does not prepare a recommendation and deliver it to the commission within 30 days after being appointed, the commission may repeal the building standards, in accordance with the Administrative Procedure Act. This subdivision shall not supersede Section 18943, but, instead, provides the procedure for effecting that section.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1988, c. 1194, Sec. 16, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 21.)

Sec. 18934. Public participation; regulations

State agencies proposing to adopt building standards shall adopt, and the commission shall approve, regulations establishing procedures to ensure public participation in the development of building standards and regulations.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163; Stats. 1992, c. 897 [AB 3515], Sec. 22.)

Sec. 18934.5. Standards for state buildings; adoption, approval, codification and publication

Where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings, including buildings constructed by the Trustees of the California State University and, to the extent permitted by law, to buildings designed and constructed by the Regents of the University of California. Building standards for state buildings shall comply with the criteria in subdivision (a) of Section 18930.

(Added by Stats. 1981, c. 1082, p. 4174, Sec. 2. Amended by Stats. 1987, c. 1053, Sec. 17; Stats. 1988, c. 1194, Sec. 17, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 23.)

Sec. 18934.6. Uniform Code for Building Conservation of the International Conference of Building Officials; publication of standards; exception

On or before January 1, 1993, the commission shall adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials to provide minimum standards for buildings specified in that appendix, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

(Added by Stats. 1991, c. 173 [AB 204], Sec. 3.)

Sec. 18934.7. Uniform Code for Building Conservation of the International Conference of Building Officials; publication of standards; exception

On or before January 1, 1993, the commission shall adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials to provide minimum standards for buildings specified in that appendix, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

(Added by Stats. 1991, c. 865 [AB 47], Sec. 22.)

Sec. 18934.8. Building Standards; California Building Standards Commission

- (a) Pursuant to subdivision (b), the commission may adopt amendments to the California Building Standards Code provided that they are substantially the same as model code amendments which were adopted on an emergency basis by the code publishers, if the sections being amended are not under the authority of a state agency.
- (b) The commission may consider adoption of emergency amendments made to the model codes in an expedited rulemaking process outside the annual code adoption cycle set forth in Section 18929.1. If a model code organization adopts emergency amendments, the commission may adopt those amendments 120 days after the organization's adoption of those amendments. This rulemaking process shall be completed within 180 days from the date the amendments were adopted by the model code organization. The commission shall ensure that the rulemaking process includes all of the following:
 - (1) Adequate public participation in the development of building standards prior to submittal to the commission for adoption and approval.
 - (2) Adequate written notice to the public of the compiled building standards and the written justification therefor.
 - (3) Adequate technical review of proposed building standards and accompanying justification by advisory bodies appointed by the commission.
 - (4) Adequate time for review of recommendations by advisory bodies prior to action by the commission.
- (c) Amendments to the California Building Standards Code adopted pursuant to this section shall take effect 60 days from the date on which they are adopted by the commission.

- (d) Nothing in this section shall be construed to permit amendments to the California Building Standards Code that decrease the level of disabled access provided.

(Added by Stats. 1996, c. 384 [AB 3372], Sec. 1.)

Chapter 4. The California Building Standards Code

Sec. 18935. Proposed building standards; notice and hearings; initial statement of reasons; review and publication; approval; changes

- (a) Notice of proposed building standards shall be given and hearings shall be held by the adopting agencies, as required by the Administrative Procedure Act, prior to the adoption of the building standards and submission to the commission for approval. The notice of proposed building standards and the initial statement of reasons for the proposed building standards shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The adopting agency or state agency that proposes the building standards shall submit the notice and initial statement of reasons for proposed building standards to the California Building Standards Commission, which shall review them for compliance with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. If the commission determines that the adopting agency or state agency that proposes the building standards has complied with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the commission shall approve the notice and initial statement of reasons for proposed building standards, and submit them to the Office of Administrative Law for the sole purpose of inclusion in the California Regulatory Notice Register. The Office of Administrative Law shall publish only those notices of proposed building standards which have been approved by, and submitted to, the office by the California Building Standards Commission.
- (b) In order to ensure an absence of conflict between hearings and a maximum opportunity for interested parties to be heard, no hearings by adopting agencies shall be conducted unless the time and place thereof has been approved in writing by the commission prior to public notices of the hearing being given by the adopting agencies.
- (c) If, after building standards are submitted to the commission for approval, the commission requires changes therein as a condition for approval, and the changes are made, no additional hearing by the affected state agency shall be required in connection with making the changes when the commission determines the changes are nonsubstantial, solely grammatical in nature, or are sufficiently related to the text submitted to the commission for approval that the public was adequately placed on notice that the change could result from the originally proposed building standards.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1983, c. 492, Sec. 1; Stats. 1984, c. 677, Sec. 6; Stats. 1988, c. 1194, Sec. 18, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 25.)

Sec. 18936. Notices of meetings

The commission shall mail notices of meetings with respect to its proposed action on any building standards to any design profession organizations, chambers of commerce, consumer groups, building and construction industry organizations, governmental agencies, and other parties and organizations that have submitted a written request therefor at least 15 days prior to any meeting thereon, provided that the failure to do so shall not invalidate any commission action.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1979, c. 1152, p. 4326, Sec. 236, operative July 1, 1980; Stats. 1987, c. 1053, Sec. 18; Stats. 1988, c. 1194, Sec. 19, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 26.)

Sec. 18937. Emergency standards

- (a) Emergency standards shall be acted on by the commission within 30 days and, except for building standards adopted by the Occupational Safety and Health Standards Board which are at least as effective as a federal standard promulgated under Section 6 of the federal Occupational Safety and Health Act of 1970 (Public Law 91-596), only when the adopting agency or state agency that proposes the building standards has made the finding of emergency required by Sections 11346.1 and 11346.5 of the Government Code and the adopting agencies have adopted the emergency standard in compliance with Section 11346.1 of the Government Code, and the commission concurs with that finding. Both the concurrence and the approval of the emergency building standards require an affirmative vote of two-thirds of the members of the commission attending a meeting, or not less than six affirmative votes, whichever is greater.
- (b) Emergency standards approved by the commission pursuant to subdivision (a) shall be filed by the commission pursuant to Section 11346.1 of the Government Code and shall be subject to that section.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1979, c. 1152, p. 4326, Sec. 237, operative July 1, 1980; Status 1981, c. 817, p. 3166, Sec. 5; Stats. 1987, c. 1053, Sec. 19; Stats. 1988, c. 1194, Sec. 20, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 27.)

Sec. 18938. Filing and codification; publication; effective date; emergency standards; application of section

- (a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.
- (b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission, or at a later date after publication established by the commission.
- (c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the

California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of building standards adopted by the Occupational Safety and Health Standards Board, standards adopted pursuant to Section 25402 of the Public Resources Code, and those regulations that implement or enforce building standards. Building standards adopted by the Occupational Safety and Health Standards Board and those regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards, and building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code and published pursuant to subdivision (b) of Section 18943. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

- (d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.
- (e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 1003, p. 3876, Sec. 3; Stats. 1985, c. 209, Sec. 2; Stats. 1987, c. 1053, Sec. 20; Stats. 1988, c. 1194, Sec. 21 operative Jan. 1, 1989; Stats. 1989, c. 952, Sec. 4; Stats. 1992, c. 897 (AB 3515), Sec. 28.5. Amended by Stats. 1994, c. 740. (SB 1953), Sec. 3; Stats. 1995, c. 543, (SB 1109), Sec. 5, eff. October 4, 1995.)

Sec. 18938.5. Application of standards; local ordinances; and model codes

- (a) Only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit.
- (b)
 - (1) A local ordinance adding or modifying building standards for residential occupancies, which are published in the California Building Standards Code, shall apply only to an application for a building permit submitted after the effective date of the ordinance and to the plans and specifications for, and the construction performed under, that permit.
 - (2) Paragraph (1) shall not apply to any of the following:
 - (A) A city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8850) of Division 1 of Title 2 of the Government Code).

- (B) A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 180 days from the date of the permit, or the permittee has suspended or abandoned the work authorized by the permit at any time after the work is commenced.
 - (C) A permit that is subsequently deemed suspended or revoked because the building official has, in writing, suspended or revoked the permit due to its issuance in error or on the basis of incorrect information supplied.
- (c) No model code made applicable to any additional occupancy shall apply to any project that has been submitted for a building permit prior to the effective date of that model code.

(Added by Stats. 1985, c. 577, Sec. 1, eff. Sept. 14, 1985. Amended by Stats. 1987, c. 1053, Sec. 21; Stats. 1992, c. 623 [AB 2963], Sec. 1; Stats. 1992, c. 897 [AB 3515], Sec. 29.5.)

Sec. 18939. (Repealed by Stats. 1992, c. 897 [AB 3515], Sec. 30.)

Sec. 18940. Codification of standards

Codification of building standards approved by the Commission shall be incorporated into the code and shall not be incorporated into other individual titles of state agencies in the California Code of Regulations.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 1003, p. 3876, Sec. 4; Stats. 1987, c. 1053, Sec. 22; Stats. 1988, c. 1194, Sec. 23, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 31.)

Sec. 18941. Standards; administration and enforcement; performance basis

All building standards shall be administered and enforced and, whenever practicable, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1982, c. 507, Sec. 3, eff. July 13, 1982; Stats. 1988, c. 1194, Sec. 24, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 32.)

Sec. 18941.5. Amendments, additions, deletions to standards; effective date; publication date; more restrictive standards

- (a)
 - (1) Amendments, additions, and deletions to the California Building Standards Code adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.
 - (2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

- (b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1988, c. 1302, Sec. 1; Stats. 1989, c. 952, Sec. 5; Stats. 1991, c. 173 [AB 204], Sec. 4; Stats. 1991, c. 865 [AB 47], Sec. 23; Stats. 1992, c. 896 [SB 1588], Sec. 1; Stats. 1992, c. 897 [AB 3515], Sec. 33.5.)

Sec. 18941.6. Hazardous building ordinances and programs; building standards; local conditions; exceptions; study

- (a) Notwithstanding any other provision of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.
- (b) For the purpose of subdivision (a), and notwithstanding the meaning of “local conditions” as used elsewhere in this part and Part 2.5 (commencing with Section 18901), the term “local conditions” shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:
 - (1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).
 - (2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.
 - (3) The preservation of affordable housing.
- (c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

- (d) Ordinances and programs adopted pursuant to this section shall be conclusively presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

(Added by Stats. 1992, c. 346, [AB 2358], Sec. 2. Amended Stats. 1993, c. 1924, [AB 1904], Sec. 2, eff. October 11, 1993; Stats. 1994, c. 1219 (S.B. 1988), Sec. 2.)

Sec. 18941.7. Closed military bases; compliance with state and local regulations or standards

- (a) The governing body of a city, county, or city and county may adopt an ordinance that allows a building or other structure located on a military base selected for closure by action of the federal Defense Base Closure and Realignment Commission to comply with this part and Division 12 (commencing with Section 13000), or to any regulations or standards promulgated pursuant to this part, in a graduated manner over a period of no more than 10 years from the date a lease is entered into pursuant to paragraph (2), if all of the following conditions are met:
 - (1) The use of the building or structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the local building official and fire marshal.
 - (2) The building or other structure has been transferred by the federal government to the city, county, city and county, redevelopment agency, or reuse entity or is under a lease between the city, county, city and county, redevelopment agency, or reuse entity and the federal government.
 - (3) The governing body of the city, county, or city and county adopts a graduated compliance plan which includes all of the following:
 - (A) Requirements for buildings and structures with:
 - (i) No change in occupancy or use with no anticipated alterations.
 - (ii) No change in occupancy or use with planned alterations.
 - (iii) Change in occupancy or use with no anticipated alterations.
 - (iv) Change in occupancy or use with planned alterations.
 - (B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to entering into any sublease pursuant to this section.
 - (C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the sublease or provided to the subtenant.
 - (D) Requirements for the terms and period of time for compliance to be specified in the sublease.
- (b) Nothing in this section affects the requirement of state consent to retrocession pursuant to Section 113 of the Government Code.
- (c) This section shall be applicable to a building or other structure for which the conditions in paragraphs (1), (2), and (3) of subdivision (a) are met before January 1, 2000.

- (d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later-enacted statute, that is enacted before January 1, 2003, deletes, or extends that date.

(Added by Stats. 1995, c. 469, [SB 81], Sec. 1; Stats. 1996, c. 627, [SB 1640], Sec. 1.)

Sec. 18942. Publication; supplements; emergency standards; availability and possession of code

- (a) The commission shall publish, or cause to be published, editions of the code in its entirety once in every three years. In each intervening year the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary. The commission shall also publish, for emergency standards defined in subdivision (b) of Section 18913 and for building standards or administrative regulations that apply directly to the implementation or enforcement of building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code, a semiannual supplement, or a more frequent supplement if required by federal law.
- (b) The commission shall publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the California Code of Regulations, Title 24, Part 2 requirements for single-family residential occupancies, with the following note: "NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit."
- (c) The commission may publish, stockpile, and sell at a reasonable price the code and any materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city, county, or city and county, shall have an up-to-date copy of the code available for public inspection.
- (d)
- (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.
 - (2) This subdivision shall not apply to any city or county which contracts for the administration and enforcement of the provisions of this part with another local government agency which complies with this section.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended

by Stats. 1979, c. 1152, p. 4326, Sec. 238, operative July 1, 1980; Stats. 1981, c. 817, p. 3167, Sec. 6; Stats. 1983, c. 142, Sec. 69; Stats. 1987, c. 1053, Sec. 23; Stats. 1988, c. 1194, Sec. 25 operative Jan. 1, 1989; Stats. 1989, c. 952, Sec. 6; Stats. 1992, c. 897 [AB 3515], Sec. 34.; Stats. 1996, c. 925 [AB 3305], Sec. 3. operative July 1, 1997.)

Sec. 18942.1. Filing of regulations or orders of repeal; transmittal

- (a) If a regulation or order of repeal is filed with the Office of Administrative Law, and if it appears to be a building standard, as defined by Section 18909, which has not been approved by the

commission, the Office of Administrative Law shall consult with the commission or the commission's staff to determine the character and status of the filed regulation or order. Any building standard improperly transmitted to the Office of Administrative Law, as determined according to this section, shall not be then filed with the Secretary of State, but, instead, the Office of Administrative Law shall transmit the building standard to the commission and notify the adopting agency of this action.

- (b) If an administrative regulation or order of repeal is filed with the commission and it does not directly apply to the implementation or enforcement of a building standard, it shall not be submitted to the commission for action, but, instead, the commission shall transmit the regulations to the Office of Administrative Law and notify the submitting agency of this action.

(Added by Stats. 1981, c. 1003, p. 3877, Sec. 5. Amended by Stats. 1988, c. 1194, Sec. 26 operative Jan. 1, 1989; Stats. 1992, c. 897, Sec. 35. Prior history: Subsection (b) originally added by Stats. 1988, c. 1194, Sec. 27.) Added by Stats. 1992, c. 897 [AB 3515], Sec. 35.

Sec. 18942.2. (Repealed by Stats. 1992, c. 897 [AB 3515], Sec. 36.)

Sec. 18943. Effect of standards in individual titles; publication of standards adopted by OSHA

- (a) Building standards in individual titles of the California Code of Regulations other than the California Building Standards Code shall have no force nor effect after January 1, 1985.
- (b) Building standards adopted by the Occupational Safety and Health Standards Board shall be published as provided in Section 18942 by the commission in the California Building Standards Code. Those building standards may also be published by the Occupational Safety and Health Standards Board in other provisions in Title 8 of the California Code of Regulations prior to publication in the California Building Standards Code if that other publication includes an appropriate identification of building standards contained in the other publication.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 817, p. 3168, Sec. 7; Stats. 1987, c. 1053, Sec. 24; Stats. 1988, c. 1194, Sec. 28, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 37.)

Sec. 18944. References to code in agency regulations

- (a) State agencies shall adopt regulations for publication in the titles of the California Code of Regulations containing other regulations of the agency to identify, by reference, the appropriate sections of the California Building Standards Code containing those building standards for which that agency has enforcement responsibility.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1987, c. 1053, Sec. 25; Stats. 1988, c. 1194, Sec. 29, operative Jan. 1, 1989; Stats. 1992, c. 897 [AB 3515], Sec. 38.)

Sec. 18944.5. Agencies bound by code

The code shall be binding on the state and other public agencies, including federal agencies to the extent permitted by federal law, in the same manner as it binds private parties or entities.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18944.7. State historical building code; alternative regulations and standards; maintenance as separate and distinct part or portion

The alternative building regulations and building standards authorized under the State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13) which have been published in Part 8 of the California Building Standards Code shall be maintained as a separate and distinct part or portion of the California Building Standards Code pursuant to that title.

(Added by Stats. 1982, c. 1417, Sec. 1. Amended by Stats. 1988, c. 1194, Sec. 30, operative Jan. 1, 1989.)

Chapter 4.5. Guidelines for Straw-Bale Structures

Article 1. General Provisions and Definitions

Sec. 18944.30. Low-cost, energy-efficient housing; legislative findings and declarations

- (a) The Legislature finds and declares all of the following:
- (1) There is an urgent need for low-cost, energy-efficient housing in California.
 - (2) The cost of conventional lumber-framed housing has risen due to a shortage of construction-grade lumber.
 - (3) Rice straw is an annually renewable source of cellulose that can be used as an energy-efficient substitute for stud-framed wall construction.
 - (4) The state has mandated that the burning of rice straw be prohibited as specified in statute by the year 2000 in an annual phased reduction.
 - (5) As a result of the mandated burning reduction, growers are experimenting with alternative straw management practices. Various methods of straw incorporation into the soil are the most widely used alternatives. The two most common methods are nonflood incorporation and winter flood incorporation. Economically viable off-farm uses for rice straw are not yet available.
 - (6) Winter flooding of rice fields encourages the natural decomposition of rice straw and provides valuable waterfowl habitat. According to the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan, in California's Central Valley, over 400,000 acres of enhanced agricultural lands are needed to restore the depleted migratory waterfowl populations of the Pacific flyway. Flooded rice fields are a key and integral part of the successful restoration of historic waterfowl and shorebird populations.
 - (7) Winter flooding of rice fields provides significant waterfowl habitat benefits and should be especially encouraged in areas where there is minimal potential to impact salmon as a result of surface water diversions.
 - (8) An economically viable market for rice straw bales could result from the use of rice straw bales in housing construction.
 - (9) Existing regulatory requirements are costly and severely restrict the development of straw-bale housing.
 - (10) Statutory guidelines for the use of straw-bale housing would significantly benefit low-cost housing, agriculture, and fisheries in California.
- (b) It is therefore the intent of the Legislature to adopt safety guidelines for the construction of structures including, but not limited to, single-family dwellings that use baled rice straw as a loadbearing or nonloadbearing material, provided that these guidelines shall not be effective within any city or county unless and until the legislative body of the city or county makes an

express finding that the application of these guidelines within the city or county is reasonably necessary because of local conditions.

Sec. 18944.31. Operative provisions; changes or modifications

- (a) Notwithstanding any other provision of law, the guidelines established by this chapter shall not become operative within any city or county unless and until the legislative body of the city or county makes an express finding that the application of these guidelines within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.
- (b) In adopting ordinances or regulations, a city or county may make any changes or modifications in the guidelines contained in this chapter as it determines are reasonably necessary because of local conditions, provided the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

Sec. 18944.32. Structures deviating from conventional framing requirements; supervision by licensed architect or civil engineer

Nothing in this chapter shall be construed as an exemption from Chapter 3 (commencing with Section 5500) of, or Chapter 7 (commencing with Section 6700) of, Division 3 of the Business and Professions Code relative to preparation of plans, drawings, specifications, or calculations under the direct supervision of a licensed architect or civil engineer, for the construction of structures that deviate from the conventional framing requirements for wood-frame construction.

Sec. 18944.33. Definitions

For the purposes of this chapter, the following terms are defined as follows:

- (a) “Bales” means rectangular compressed blocks of rice straw, bound by strings or wire.
- (b) “Department” means the Department of Housing and Community Development.
- (c) “Flakes” means slabs of straw removed from an untied bale. Flakes are used to fill small gaps between the ends of stacked bales.
- (d) “Laid flat” refers to stacking bales so that the sides with the largest cross-sectional area are horizontal and the longest dimension of this area is parallel with the wall plane.
- (e) “Laid on-edge” refers to stacking bales so that the sides with the largest cross-sectional area are vertical and the longest dimension of this area is horizontal and parallel with the wall plane.
- (f) “Straw” means the dry stems of cereal grains left after the seed heads have been removed.

Sec. 18944.34. Implementation report; contents

- (a) Subject to the availability of funds, on or before January 1, 2002, the California Building Standards Commission shall transmit, to the department and to the Legislature, a report regarding the implementation of this chapter.
- (b) The implementation report shall describe which cities and counties have utilized this chapter, and the number and type of structures that have been built pursuant to local ordinances. The implementation report may include recommendations to amend the guidelines established by this chapter, or any other related matters.
- (c) The California Building Standards Commission may accept and use any funds provided or donated for the purposes of this section.

Article 2. Guidelines for Materials**Sec. 18944.35. Bales; shape; binding; moisture content; density; straw type**

- (a) Bales shall be rectangular in shape.
- (b) Bales used within a continuous wall shall be of consistent height and width to ensure even distribution of loads within wall systems.
- (c) Bales shall be bound with ties of either polypropylene string or baling wire. Bales with broken or loose ties shall not be used unless the broken or loose ties are replaced with ties which restore the original degree of compaction of the bale.
- (d) The moisture content of bales, at the time of installation, shall not exceed 20 percent of the total weight of the bale. Moisture content of bales shall be determined through the use of a suitable moisture meter, designed for use with baled rice straw or hay, equipped with a probe of sufficient length to reach the center of the bale, and used to determine the average moisture content of five bales randomly selected from the bales to be used.
- (e) Bales in loadbearing walls shall have a minimum calculated dry density of 7.0 pounds per cubic foot. The calculated dry density shall be determined after reducing the actual bale weight by the weight of the moisture content.
- (f) Where custom-made partial bales are used, they shall be of the same density, same string or wire tension, and, where possible, use the same number of ties as the standard size bales.
- (g) Bales of various types of straw, including wheat, rice, rye, barley, oats, and similar plants, as determined by the building official, shall be acceptable if they meet the minimum requirements of this chapter for density, shape, moisture content, and ties.

Article 3. Construction Guidelines

Sec. 18944.40. Walls; foundations; moisture protection; roof bearing assemblies; openings; wiring; piping

- (a) Straw-bale walls, when covered with plaster, drywall, or stucco, shall be deemed to have the equivalent fire resistive rating as wood-frame construction with the same wall- finishing system.
- (b) Minimum bale wall thickness shall be 13 inches.
- (c) Buildings with loadbearing bale walls shall not exceed one story in height, and the bale portion of the loadbearing walls shall not exceed a height-to-width ratio of 5.6:1 (for example, the maximum height for a wall that is 23 inches thick would be 10 feet 8 inches).
- (d) The ratio of unsupported wall length to thickness, for loadbearing walls, shall not exceed 15.7:1 (for example, for a wall that is 23 inches thick, the maximum unsupported length allowed is 30 feet).
- (e) The allowable vertical load (live and dead load) on top of loadbearing bale walls shall not exceed 400 pounds per square foot, and the resultant load shall act at the center of the wall. Straw-bale structures shall be designed to withstand all vertical and horizontal loads as specified in the latest edition of the Uniform Building Code.
- (f) Foundations shall be sized to accommodate the thickness of the bale wall and the load created by the wall and roof live and dead loads. Foundation or stem walls which support bale walls shall extend to an elevation of not less than 6 inches above adjacent ground at all points. The minimum width of the footing shall be the width of the bale it supports, except that the bales may overhang the exterior edge of the foundation by not more than 3 inches to accommodate rigid perimeter insulation. Footings shall extend a minimum of 12 inches below natural, undisturbed soil, or to the frost line, whichever is lower.
- (g)
 - (1) Vertical reinforcing bars with a minimum diameter of 1/2 inch shall be embedded in the foundation to a minimum depth of 7 inches, and shall extend above the foundation by a minimum of 12 inches. These vertical bars shall be located along the center line of the bale wall, spaced not more than 2 feet apart. A vertical bar shall also be located within 1 foot of any opening or corner, except at locations occupied by anchor bolts.
 - (2) Nonbale walls abutting bale walls shall be attached by means of one or more of the following methods or by means of an acceptable equivalent:
 - (A) Wooden dowels of 5/8 inch minimum diameter and of sufficient length to provide 12 inches of penetration into the bale, driven through holes bored in the abutting wall stud, and spaced to provide one dowel connection per bale.
 - (B) Pointed wooden stakes, a minimum of 12 inches in length and 1 1/2 inches by 3 1/2 inches at the exposed end, fully driven into each course of bales, as anchorage points.
 - (C) Bolted or threaded rod connection of the abutting wall, through the bale wall, to a steel nut and steel or plywood plate washer, a minimum of 6 inches square and a minimum

thickness of 3/16 of an inch for steel and 1/2 inch for plywood, in a minimum of three locations.

- (3)
 - (A) Loadbearing bale walls shall be anchored to the foundation at intervals of 6 feet or less. There shall be embedded in the foundation a minimum of 2 1/2 inch diameter steel anchor bolts per wall, with one bolt located within 36 inches of each end of each wall. Sections of 1/2 inch diameter threaded rod shall be connected to the anchor bolts, and to each other, by means of threaded coupling nuts, and shall extend through the roof bearing assembly and be fastened with a steel washer and nut.
 - (B) Bale walls and roof bearing assemblies may be anchored to the foundation by means of other methods which are adequate to resist uplift forces resulting from the design wind load. There shall be a minimum of two points of anchorage per wall, spaced not more than 6 feet apart, with one located within 36 inches of each end of each wall.
 - (C) With loadbearing bale walls, the dead load of the roof and ceiling systems will produce vertical compression of the walls. Regardless of the anchoring system used to attach the roof bearing assembly to the foundation, prior to installation of wall finish materials, the nuts, straps, or cables shall be retightened to compensate for this compression.
- (h)
 - (1) A moisture barrier shall be used between the top of the foundation and the bottom of the bale wall to prevent moisture from migrating through the foundation so as to come into contact with the bottom course of bales. This barrier shall consist of one of the following:
 - (A) Cementitious waterproof coating.
 - (B) Type 30 asphalt felt over an asphalt emulsion.
 - (C) Sheet metal flashing, sealed at joints.
 - (D) Another building moisture barrier, as approved by the building official.
 - (2) All penetrations through the moisture barrier, as well as all joints in the barrier, shall be sealed with asphalt, caulking, or an approved sealant.
- (i)
 - (1) For nonloadbearing walls, bales may be laid either flat or on-edge. Bales in loadbearing bale walls shall be laid flat and be stacked in a running bond, where possible, with each bale overlapping the two bales beneath it. Overlaps shall be a minimum of 12 inches. Gaps between the ends of bales which are less than 6 inches in width may be filled by an untied flake inserted snugly into the gap.
 - (2) The first course of bales shall be laid by impaling the bales on the rebar verticals and threaded rods, if any, extending from the foundation. When the fourth course has been laid, vertical #4 rebar pins, or an acceptable equivalent, long enough to extend through all four courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and the three courses immediately below it, shall be driven down through each bale. This pinning method

shall be continued to the top of the wall. In walls seven or eight courses high, pinning at the fifth course may be eliminated.

- (3) Alternative pinning method: when the third course has been laid, vertical #4 rebar pins, or an acceptable equivalent, long enough to extend through all three courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and to the top of the wall.
 - (4) Only full-length bales shall be used at corners of loadbearing bale-walls.
 - (5) Vertical #4 rebar pins, or an acceptable alternative, shall be located within one foot of all corners or door openings.
 - (6) Staples, made of #3 or larger rebar formed into a “U” shape, a minimum of 18 inches long with two 6-inch legs, shall be used at all corners of every course, driven with one leg into the top of each abutting corner bale.
- (j)
- (1) All loadbearing bale walls shall have a roof bearing assembly at the top of the walls to bear the roof load and to provide the means of connecting the roof structure to the foundation. The roof bearing assembly shall be continuous along the tops of loadbearing bale walls.
 - (2) An acceptable roof bearing assembly option consists of two double 2-inch by 6-inch, or larger, horizontal top plates, one located at the inner edge of the wall and the other at the outer edge. Connecting the two doubled top plates, and located horizontally and perpendicular to the length of the wall, shall be 2-inch by 6-inch cross members, spaced no more than 72 inches center to center, and as required to align with the threaded rods extending from the anchor bolts in the foundation. The double 2-inch by 6-inch top plates shall be face-nailed with 16d nails staggered at 16-inch o.c., with laps and intersections face-nailed with four 16d nails. The cross members shall be face-nailed to the top plates with four 16d nails at each end. Corner connections shall include overlaps nailed as above or an acceptable equivalent, such as plywood gussets or metal plates. Alternatives to this roof bearing assembly option shall provide equal or greater vertical rigidity and provide horizontal rigidity equivalent to a continuous double 2 by 4 top plate.
 - (3) The connection of roof framing members to the roof plate shall comply with the appropriate sections of the California Building Code.
- (k) All openings in loadbearing bale walls shall be a minimum of one full bale length from any outside corner, unless exceptions are approved by an engineer or architect licensed by the state to practice. Wall or roof load present above any opening shall be carried, or transferred, to the bales below by one of the following:
- (1) A frame, such as a structural window or door frame.
 - (2) A lintel, such as an angle-iron cradle, wooden beam, or wooden box beam. Lintels shall be at least twice as long as the opening is wide and extend a minimum of 24 inches beyond either side of the opening. Lintels shall be centered over openings.

- (3) A roof bearing assembly designed to act as a rigid beam over the opening.
- (l)
 - (1) All weather-exposed bale walls shall be protected from water damage. However, nonbreathing moisture barriers shall not be used on the upper two-thirds of vertical exterior surfaces of bale walls in order to allow natural transpiration of moisture from the bales.
 - (2) Bale walls shall have special moisture protection provided at all window sills. Unless protected by a roof, the tops of walls shall also be protected. This moisture protection shall consist of a waterproof membrane, such as asphalt-impregnated felt paper, polyethylene sheeting, or other moisture barrier, as approved by the building official, installed in a manner that will prevent water from entering the wall system at windowsills or at the tops of walls.
- (m)
 - (1) Interior and exterior surfaces of bale walls shall be protected from mechanical damage, flame, animals, and prolonged exposure to water. Bale walls adjacent to bath and shower enclosures shall be protected by a moisture barrier.
 - (2) Cement stucco shall be reinforced with galvanized woven wire stucco netting or an equivalent, as approved by the building official. The reinforcement shall be secured by attachment through the wall at a maximum spacing of 24 inches horizontally and 16 inches vertically.
 - (3) Where bales abut other materials, the plaster or stucco shall be reinforced with galvanized expanded metal lath, or an acceptable equivalent, extending a minimum of 6 inches onto the bales.
 - (4) Earthen and lime-based plasters may be applied directly onto bale walls without reinforcement, except where applied over materials other than straw.
- (n)
 - (1) All wiring within or on bale walls shall meet all provisions of the California Electrical Code. Type "NM" or "UF" cable may be used, or wiring may be run in metallic or nonmetallic conduit systems.
 - (2) Electrical boxes shall be securely attached to wooden stakes driven a minimum of 12 inches into the bales, or an acceptable equivalent.
- (o) Water or gas pipes within bale walls shall be encased in a continuous pipe sleeve to prevent leakage within the wall. Where pipes are mounted on bale walls, they shall be isolated from the bales by a moisture barrier.

(Added by Stats. 1995, c. 941 [AB 1314], Sec. 1.)

Chapter 5. Appeals and Enforcement

Sec. 18945. Right to appeal

- (p) (a) Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency respecting the administration of any building standard may appeal the issue for resolution to the commission.
- (q) (b) If any local agency having authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of such agency respecting such building standard both wish to appeal the issue for resolution to the commission, then both parties may appeal to the commission. The commission may accept such appeal only if the commission determines that the issues involved in such appeal have statewide significance.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18946. Hearing; reference; decision

Except as provided in Section 18947, the commission may hear the appeal itself, or by designating a member of the commission to be a hearing officer, or may refer the appealing parties to an advisory panel, a committee, or to a hearing officer appointed by the Office of Administrative Hearings, wherein the hearing officer designated by the commission or appointed by the Office of Administrative Hearings, should, where possible, possess some expertise in the technical aspects of the appeal. If a referral is made, the panel, committee, or hearing officer may make an investigation and conduct hearings as they deem appropriate, provided that all interested agencies or parties shall have a full and fair opportunity to be heard. A proposed written decision shall be submitted to the commission which the commission may adopt, adopt as modified, or reject. The commission shall render its decision or interpretation in writing.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163. Amended by Stats. 1981, c. 1003, p. 3877, Sec. 6.)

Sec. 18947. Appeal to occupational safety and health appeals board

Where the appeal issue results from the enforcement of a standard for occupational safety and health by an inspector of the Division of Occupational Safety and Health of the Department of Industrial Relations, the employer shall appeal directly to the Occupational Safety and Health Appeals Board, and the appeal shall be conducted pursuant to the provisions of Chapter 7 (commencing with Section 6600) of Part 1 of Division 5 of the Labor Code. Such an appeal, if sent to the commission in error, shall be forwarded immediately to the Occupational Safety and Health Appeals Board. The date of receipt of any such appeal by the commission shall be considered the date of filing for purposes of meeting the filing time requirements of Section 6600 of the Labor Code.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18948. Responsibility for enforcement and administration

The responsibility for the enforcement and administration of building standards shall remain in the state or local agency specified by other provisions of law.

(Added by Stats. 1979, c. 1152, p. 4292, Sec. 163.)

Sec. 18949. Fee schedule

The commission shall establish a schedule of fees for appeals in an amount sufficient to pay its costs of administration and hearing appeals.

(Added by Stats. 1981, c. 1082, p. 4174, Sec. 3.)

Chapter 6. Regulations

Sec. 18949.1. State Architect; transfer of responsibilities to commission

Any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the commission.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24.)

Sec. 18949.2. State Fire Marshal; formal rule making process; transfer of duties to commission; fire and life safety standards; development; review; modification

- (a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.
- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.
- (c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.
- (d) The role of the commission in reviewing and adopting fire and life safety building standards shall be strictly limited to a technical review of those standards, through a process integrated with the technical review of all other state building standards, and a determination as to whether those standards conform to the requirements of Section 18930 commonly known as the "nine point criteria."
- (e) The commission may not rewrite or modify any fire or life safety building standard without the express mutual agreement of the State Fire Marshal. If the State Fire Marshal does not agree with the modifications of a fire or life safety building standard as proposed by the commission, the authority of the commission shall be limited to disapproval of the standard, pursuant to the "nine point criteria" in Section 18930.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24.)

Sec. 18949.3. Office of Statewide Health Planning and Development; transfer of duties to commission

Any responsibilities of the Office of Statewide Health Planning and Development to adopt regulations relating to building standards, including, but not limited to, responsibilities specified in Division 12.5 (commencing with Section 15000), are hereby transferred to the commission.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24.)

Sec. 18949.4. State Energy Resources Conservation and Development Commission; submission of standards for review and approval; time schedule

The State Energy Resources Conservation and Development Commission shall submit building standards to the commission for review and approval pursuant to Section 18930 in accordance with the time schedule established by the State Building Standards Commission.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24.)

Sec. 18949.5. Department of Housing and Community Development; transfer of duties to commission

Any responsibilities of the Department of Housing and Community Development to adopt regulations relating to building standards are hereby transferred to the commission.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24.)

Sec. 18949.6. Procedure for adoption of standards and administrative regulations

- (a) The commission shall adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.
- (b) Regulatory adoption shall be accomplished so as to facilitate the triennial adoption of the specified model codes pursuant to Section 18928.
- (c) The regulations shall allow for the distribution of proposed building standards and regulatory changes to the public for review in compliance with the requirements of the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and for the acceptance of responses from the public.
- (d) With regard to proposed residential building standards, the Trade and Commerce Agency shall provide, if requested by the commission, an economic review of the housing cost impact statement or related study submitted by the code change proponent pursuant to Section 11346.5 of the Government Code.

(Added by Stats. 1991, c. 865 [AB 47], Sec. 24. Amended by Stats. 1993, c. 56 [AB 2351], Sec. 27., Added by Stats. 1998, c. 426 ([AB 2697], Sec. 1.)

Chapter 7. Construction Inspectors, Plans Examiners, and Building Officials

Sec. 18965. Construction inspector

For purposes of this article, “construction inspector” means any person who is hired or contracted by a local agency in a temporary or permanent capacity, for the purpose of inspecting construction for structural, seismic safety, fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18966. Plans examiner

For purposes of this article, “plans examiner” means any person who is hired or contracted by a local agency in a temporary or permanent capacity, for the purpose of performing construction plan review for structural or seismic safety fire and life safety, or building system requirements of adopted uniform codes or standards, as applied to residential, commercial, or industrial buildings.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18967. Building official

For purposes of this article, “building official” means the individual invested with the responsibility for overseeing local code enforcement activities, including administration of the building department, interpretation of code requirements, and direction of the code adoption process.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18968. Experience and certification requirements; exemptions

- (a) All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this article pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency. The area of certification shall be closely related to the primary job function, as determined by the local agency.
- (b) Any person who is currently and has continuously been employed as a construction inspector, plans examiner, or building official, for not less than two years prior to the effective date of this section shall be exempt from the certification provisions of this section, unless and until that person obtains employment as a construction inspector, plans examiner, or building official with a different employer.
- (c) Nothing in this article is intended to prohibit a local agency from prescribing additional criteria for the certification of construction inspectors, plans examiners, or building officials.
- (d) Nothing in this chapter, as it relates to construction inspectors, plans examiners, or building officials, shall be construed to alter the requirements for licensure, or the jurisdiction, authority,

or scope of practice, of architects pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, professional engineers pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or land surveyors pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18969. Continuing education

All construction inspectors, plans examiners and building officials shall complete a minimum of 45 hours of continuing education for every three-year period.

- (a) Providers of continuing education may include any organizations affiliated with the code enforcement profession, community colleges, or other providers of similar quality, as determined by the local agency.
- (b) For purposes of this section, “continuing education” is defined as that education relating to the enforcement of Title 24 of the California Code of Regulations, and any other locally enforced building and construction standards, including, but not limited to, the model uniform codes adopted by the state. When a local agency selects a model code organization as a provider of continuing education or certification programs regarding the enforcement of a model code adopted by the state, the local agency shall give preference to the organization responsible for promulgating or drafting that model code.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18970. Application of chapter

This chapter shall not apply to a registered professional engineer, licensed land surveyor, or licensed architect rendering construction inspection services, plan examination services, or building official services, within the scope of his or her registration or licensure, except that this chapter shall apply to a registered professional engineer, licensed land surveyor, or licensed architect who is an employee of a local agency. This chapter shall not apply to a construction inspector or plans examiner employed by any city or county fire department or district providing fire protection services.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)

Sec. 18971. Local agencies; costs and fees

The local agency shall bear the costs of certification, certification renewal, and continuing education, as mandated by this article. The local agency may impose fees, including, but not limited to, fees for construction inspection and plan checks, which may be used to cover the costs of compliance with this article. A local agency’s actual costs of compliance with the article may include, but are not limited to, training and certification courses, certification exam and renewal fees, employee salary during training and certification courses, and mileage and other reimbursable costs incurred by the employee. The fees imposed to cover the costs of compliance with this article shall reflect these actual costs, and are not limited by Chapter 5 of Division 1 of Title 7.

(Added by Stats. 1995, c. 623 [AB 717], Sec. 1.)